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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/605,896 | 11/04/2003 | James A. Steel JR. | 51900-112001-01-002 | 2895 |
| 34325 | 7590 | 12/01/2005 | EXAMINER | |
| STANLEY H. KREMEN 4 LENAPE LANE EAST BRUNSWICK, NJ 08816 | | | WOO, STELLA L. | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,896

Applicant(s)

STEEL, JAMES A.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/04/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaturvedi et al. (US 6,950,500, hereinafter "Chaturvedi") in view of Silverman (US 6,252,869).

Regarding claims 1-3, Chaturvedi discloses a method wherein a customer (hearing-impaired person 12) may place an operator assisted relayed telephone call to a hearing person (non-impaired person 14) using the internet (Internet 20) such that the hearing impaired person communicates with the operator by sending and receiving text messages in approximately real time (hearing impaired person's terminal device 16 exchanges real-time text messages with the message translator 24; col. 8, lines 30-32), and such that the hearing person (14) communicates with the operator (24) using conventional voice telephony (via voice telephones 44 and 28; col. 7, lines 34-44), whereby the hearing impaired person may communicate with the hearing person using the operator as an intermediary (text messages transmitted by hearing impaired user 12 are received by message translator 24 and read aloud

into telephone 28 for the non-impaired person at telephone 44; col. 7, lines 45-59), comprising:

- a. the customer using his internet terminal to establish a connection to a Nationwide Routing Server (hearing impaired person 12 establishes a connection with web server 38 by accessing the web site on server 34, col. 6, line 62 – col. 7, line 13, the server 34 can be a “Nationwide” single server for serving callers from all states, col. 6, lines 5-6);
- b. the Nationwide Routing Server establishing a secure connection to the customer’s internet terminal (a connection is established between the web server 38 and the hearing impaired person’s terminal device 16; col. 6, line 62 – col. 7, line 13);
- c. the customer issuing a call request via his internet terminal (hearing-impaired person 12 indicates a desire to initiate a telephone call; col. 7, lines 14-18);
- d. the Nationwide Routing Server issuing a status request packet;
- e. the TRS Packet Server issuing a call accept packet;
- f. the Nationwide Routing Server issuing a call accept packet (front end Web server 38 and back end access server 40 inherently carry out the issuing steps of d, e, and f in order to establish a connection between the hearing impaired terminal 16 and the back end server 40 to indicate a call to be placed by the hearing impaired person 12, the back end server 40 can be physically

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separate from the front end web server 38 and located at the relay center 22;
col. 6, lines 28-40; col. 7, lines 13-23);

g. the customer's internet terminal establishing a connection to the TRS Packet Server (a communication link is established between the hearing impaired customer 12 and the message translator 24 via front end web server 38 and back end access server 40; col. 7, lines 24-31);

h. the TRS Packet Server establishing a connection to the customer's internet terminal (a communication link is established between the hearing impaired customer 12 and the message translator 24 via front end web server 38 and back end access server 40; col. 7, lines 24-31);

i. the customer issuing a dial request packet (the hearing impaired person 12 identifies to the message translator 24 a telephone number of the non-impaired person 14 that they desire to call; col. 7, lines 32-34);

j. the TRS Packet Server issuing a call accept packet (the telephone call is placed; col. 7, lines 34-36);

k. processing the call once the hearing person answers his or her phone (the telephone call is picked up at telephone device 44; col. 7, lines 36-41);

l. the customer communicating with a TRS operator by sending and receiving text via his internet terminal (hearing impaired person 12 communicates with message translator 24 via real-time text messages; col. 7, lines 45-49; col. 8, lines 29-32);

m. the hearing person communicating with the operator using standard voice communications (non-impaired person 14 communicates with message translator 24 via voice telephones 44 and 28; col. 7, lines 41-44, 49-55);

n. the operator relaying messages between the customer and the hearing person (message translator 24 relays messages between hearing impaired person 12 and non-impaired person 14; col. 7, lines 45-59).

Chaturvedi differs from claims 1-3 in that it does not specify a secure connection. However, Silverman teaches the desirability of using a secure internet connection in an internet-telephony system (see Abstract) in order to ensure that the communication remains private such that it would have been obvious to an artisan of ordinary skill to incorporate such a secure internet connection, as taught by Silverman, within the system of Chaturvedi in order to ensure that the communication between the hearing impaired person and the message translator over the internet remains private.

Regarding claim 2, at relay center 22, switching device 32 can be any type of switching device, such as a PBX (col. 5, lines 36-44) and communication line interface 30 can be a LAN connection (col. 5, lines 1-2, 33-35) connected to a server 34 and the internet 20. The message translator 24 can receive calls from either a customer (12) over the internet (20) or a customer (14) over the telephone network (46) (col. 7, lines 9-13, 60-66).

Regarding claim 3, the server 34 can comprise multiple servers 34, one in each state (col. 6, lines 4-7).

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaturvedi in view of Silverman, as applied to claims 1-3 above, and further in view of Pickering et al. (US 6,493,695, hereinafter "Pickering").

The combination of Chaturvedi and Silverman differs from claim 4 in that it does not teach a first queue for handling POTS relay telephone calls and a second queue for handling internet relay telephone calls and from claim 5 in that it does not teach combining first and second queues into a single queue. However, Pickering teaches the desirability of routing different call media types into different queues (col. 5, lines 3-9; col. 8, lines 10-16) as well as the flexibility of combining multiple queues into a single queue (col. 7, lines 12-17) such that it would have been obvious to an artisan of ordinary skill to incorporate such handling of different call types to an ACD, as taught by Pickering, within the system of Chaturvedi and Silverman in order to efficiently route POTS and Internet relay calls to the appropriate agents.

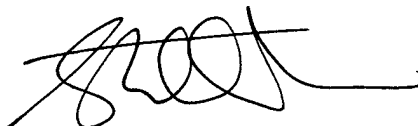
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bossi et al., Bravin et al., and Moore et al. show other relevant call systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in dark ink, appearing to read 'Stella L. Woo', with a stylized, flowing script.

Stella L. Woo
Primary Examiner
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